

PAPERS FROM THE SOCIETY

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FOR THE

Diffusion of Political Knowledge.

SPEECH OF MR. TURPIE,

DELIVERED IN THE

SENATE OF THE UNITED STATES, FEB. 7, 1863.

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 "WHEN A PARTY IN POWER VIOLATES THE CONSTITUTION AND DISREGARDS
 STATE-RIGHTS, PLAIN MEN WILL READ PAMPHLETS."

READ—DISCUSS—DIFFUSE.
 —♦♦—

PRESIDENT, PROF. S. F. B. MORSE,
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To whom all communications may be addressed.

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Resolved, That it be recommended to all citizens in the various cities, counties, and villages of this and other States, who approve of the objects expressed in this Constitution, that they organize auxiliary societies, and open communication with the New-York Society, for the purpose of procuring and circulating our papers.

SPEECH OF MR. TURPIE.

MR. PRESIDENT, it would be well at first thought, it would seem, if the whole world could exist under one form of government. It would be a vast economy in the maintenance of foreign relations. It would dispense forever with the armies and navies of the globe, the eternal witnesses of national jealousy. It would settle forever the great question of the balance of power. In the community, however, it has been ordered that the interest of the whole is best promoted by the pursuit of the interest of the individual in his particular sphere. The self-interest of nations and of communities has demanded separation and different nationalities—separation not to be avoided by identity of language, by identity of religion, by geographical contiguity—not to be avoided in any event where the true and real interests of the community may dictate it.

I do not say this, sir, in justification of the crime of secession, but I say it to show how entirely imbecile and weak is the plea for national unity, founded only upon the circumstance of geographical contiguity, and the identity of race, of religion, and of language. Self-interest divides and it separates. The American Union was formed on the principle of different interests of local communities, being protected and more effectually protected by that Union than by any other means. It was formed upon the sole idea that the reserved rights of the States and the people should not be interfered with by the General Government so created.

It is useless to talk about imaginary lines not being sufficient to divide nationalities. Sir, the line which divides your own State from the Canadas is an imaginary line drawn by the compass of the surveyor. Its virtue, its power, its effi-

ciency, are as well known to every negro-larcenous fanatic in this country as it is to that pleasant speaker of parables who darkens the Presidential mansion with his shadow and yet refuses to recognize the efficiency of a line thus drawn. If we would preserve national integrity, if we would extend and keep expanded the national domain, we shall have, above all things, to show that the interests of communities, the interests of States, the interests of Territories, the interests of the future population who are to inhabit this country, will be best subserved and protected by a national Government. The moment you abandon that doctrine, the moment the Federal Government, under any excuse, under any pretense whatever, interferes in such a way as to show that it no longer consults the reserved rights of the States and the people and the self-interest of separate communities composing it, you destroy the only tie which can bind them to our nationality.

The States made the Union; the Union did not make the States. It is a sufficient answer to the dogma that the States have no *status* out of the Union to say that the States existed before the Union, and must have existed out of it. The Union was formed solely upon the idea that certain rights should be reserved. What rights are they? The right of life, of liberty, of the pursuit of happiness; the right of property, its acquisition, its possession, its disposition after the death of the owner; the right of freedom of the press; the toleration of religious opinion; the right of freedom of speech; all the most sacred rights of political, domestic, and social relations are among those reserved to the States and the people, and can not be

interfered with by the General Government in any manner whatever. If there had not been such a reservation the Union never could have existed; and if that reservation be destroyed, the Union will perish with its destruction.

The guardians of these rights—you may call them States, you may call them by whatever name you wish—can be nothing less than sovereign. The idea that any paramount authority may exist as to these rights destroys the reservation of the rights themselves, as it destroys the sovereignty of the community which is bound to protect and assert them. Hence, in the constitution of my State, and yours, of all the States, the crime of treason against the State is defined and punished. Treason can not be committed against less than a sovereignty; and I hold that the States themselves have enacted, and as sovereigns prescribed, the punishment for treason against the rights reserved to them and their people.

I do not wish to wrest this doctrine to my own destruction, or to the justification of any who have taken up arms against the Government. I know that the individuals, the officers of a State, may commit treason against the Federal Government. I believe that the officers of the Federal Government may commit treason against the States. The rights, the duties, and the dangers of the States and the Federal Government are mutual and reciprocal. There should be no trespass either upon the one hand or the other. The crime of treason may be committed against State government as well as against Federal authority.

There are many crimes, however, against the rights of the States and against the rights of the people which are below the grade of treason. There are misdemeanors, offenses less than treason. There are vile frauds, there are most contemptible and cowardly impositions, as fatal to State dignity and State sovereignty as treason itself. The proposition embodied in this bill is one of that character. It is worse than a crime. It is worse than a crime because it lacks the boldness of execution. It is meaner than a crime because you can not fasten

it upon the person who seeks to perpetrate it, or upon the power which seeks to commit it. What is this proposition? It is a proposition to interfere with the rights of property in the State of Missouri, and to interfere in the most powerful manner—to interfere by an appeal to the basest passion of humanity, the love of money. The loyalty of Missouri, it seems, has been weighed and measured. It is worth ten millions in cash or twenty millions on credit. I will not pursue the tenor of this thought. It would be doing injustice to the people of a great State to say any thing further about it; nor will I vote the value of a penny to bribe the legislative or popular action of the State of Missouri, upon the subject of their domestic institutions, in any way whatever.

This is a direct bribe offered by the Federal Government, under the authority of the Federal Government, for legislative and popular action against the rights of property in the State of Missouri. If you can buy the property rights of Missouri, you can purchase any others. What reasons are assigned for this most extraordinary conduct? In the first place, it is said that Missouri is willing. Does that change *our* constitutional obligations as Senators and conservators of the Federal compact? Does that give us the right to intervene or interfere? We are told that the fidelity of Missouri to the Union is to depend upon the result of the bill now pending. I heard with regret the Senator from that State [Mr. HENDERSON] say that unless this bill passed, he would not say what the result would be, but he feared it; that he should leave the State and cast his fortunes with the Union; intimating that the State might leave the Union if this bill was not passed.

MR. HENDERSON. Mr. President—

THE VICE-PRESIDENT. Does the Senator from Indiana give way?

MR. TURPIE. With all due deference to the Senator, I will not.

Sir, I am sorry that any such appeal should be made to the Senate. I will not under such a threat, as I take it, do so great an injustice to the people of

Missouri, or to those of Indiana, as to vote for a measure of this character. Nor do I believe that the triumph of the Federal cause is to be affected either in Missouri or elsewhere by the defeat or the success of this bill. The American people have undertaken a sublime task, the restoration of our nationality. Does the Senator from Missouri doubt the success of that effort? I do not. I never have. There is a God in heaven for the brave. I believe that no power short of that which arrested Saul on his journey from Jerusalem to Damascus can prevent the accomplishment of that result. I believe that no legislation as suggested by this bill can retard or accelerate the result.

The Administration, to be sure, are laboring under difficulties every day increasing. France, England, Horace Greeley, and the other great powers [laughter] are to be watched and conciliated; McClellan, the patriot without a peer, is to be crushed out and forgotten; Giddings and Garrison, and other domestic enemies of the country's peace, are to be pensioned and provided for; the Porters, by land and sea, are to be punished; the rebels are to be driven out of the State of Missouri; and the draft is yet to be enforced in Massachusetts. These are most arduous labors, and I bespeak for those who have undertaken them not only the coöperation of their friends, but the sympathy of their political opponents, and the neutrality at least of all the world and the balance of mankind. [Laughter.]

But, sir, I do not think that what the Administration has undertaken has any thing to do with the great popular task of the country. Senators are continually saying here, day after day, that unless the country is saved during this Administration, it can not be saved at all. I am of the contrary opinion. I think that, as far as the present Administration is concerned, the Executive has lost the confidence of the people of both sections of this land. He has lost the confidence of the North and the South. He is thoroughly imbued with the fanatical abolition notions of the New-England school. It would be impossi-

ble for any man, or any set of men, to operate harmoniously and effectually during the existence of this Administration for the purpose of doing the country any good, or taking any important step towards a final restoration of the political relations formerly existing between these States.

A UNION WORTH HAVING.

I know, sir, that Senators are constantly talking about the Union. I do not wish to be exceeded by any man in my devotion to the American Union. I have spoken for the Union; I have written for the Union; I have fought and acted for the Union when those who now claim to be its ardent friends were willing, under certain contingencies, to let it slide. But I ask you, sir, what do Senators mean by the Union? It is by what they mean, not what they say, that we must judge them. If it is meant by the Union to purchase the negro slaves of Missouri or elsewhere, and pay for them out of the people's money and the public Treasury, I am not for it. If you mean by the Union the support of these fugitive contrabands, these pariahs of the South who escape within our military limits, and the feeding and clothing of these creatures, to the desertion, starvation, and destitution of the soldiers of the Federal Army—if you mean that by the Union, I am not for it. If you mean by the Union the absorption by the Federal Government of the reserved rights of the States and the people I am not for it. But if you mean by the Union the restoration of the national authority upon every foot of the national soil; if you mean by the Union the preservation of the national fame and of the national flag; the flag which waved at Bunker Hill, at Saratoga, at Yorktown, at Palo Alto, at Chepultepec, at Shiloh, and at Donelson—that flag with not a stripe obliterated, and with every star undimmed; the only flag in the world which floats over a limited Government and a free people—if you mean that by the Union, I am for it now and forever.

But, sir, it is said as an additional reason why we should pass this meas-

ure, that it will aid the State of Missouri in emancipation. The object is said to be humane and philanthropic. It may be extremely charitable; but I ask you, sir, why has Congress, why has the General Government exclusively confined its charities to Africans in servitude, and to the wants of the negro race? Are there no other sufferers upon whom this money might be expended? Whole regiments now serving under the flag of your country have gone unpaid for months. The wives and children of soldiers, a vast constituency at home, are begging daily for bread. I should sooner vote an appropriation of ten or twenty millions for such a purpose than for any purpose presented in this bill.

THIS MOVEMENT UNNATURAL.

What is our action, and what can be its result? Do you call this strengthening the hands of the President? Do you call it strengthening the Administration? Do you call it filling up the ranks of the Army and encouraging the Union cause? I say that this course of conduct can bring nothing but danger and dishonor upon the country. It will be seen that millions of the national treasury are squandered for abolition purposes in Missouri and elsewhere, and that the soldier in the field remains unpaid, and sometimes unfed, and unclothed. I take it, that Senators would show their devotion to the Union in passing by such measures as the one at present urged, and giving their attention solely and wholly to the condition of the country, and the wants of that large constituency of unpurchased and unpurchasable patriotism which has shown its love of country by bearing arms in the field. Talk about the loyalty of Missouri—the purchased love of the prostitute; one that has to be bought with money, and paid for with money! Would you foster and cherish that feeling, if such exists? I would not dishonor the State by saying that I believe in its existence; but would you foster and cherish that mercenary affection to the destruction of the interests of all those portions of our fellow-citizens who are demanding this money,

and demanding, in fact, all the resources and support of the Government which we can possibly give them?

Why should there be an intervention and interference in the case of Missouri? Pennsylvania and New-York were formerly slave States. At the close of the Revolution a large amount of capital was invested in those States in slave property. The institution has disappeared from those States, and how? By virtue of the voluntary legislative action of the people and their representatives. I ask Senators, why should the slaveholders of Missouri be paid for their property out of the national treasury any more than the slaveholders of New-York and Pennsylvania? I ask those, particularly, differing with me in political faith; I ask those Senators who have built up political fortunes upon their pretended hatred of this institution, and their pretended opposition to Southern rights, why they now propose to tax the free people of the loyal North and South; why they propose to tax the national treasury for the special benefit of the slaveholder, the slave-breeder, and the slave-driver, of Missouri?

Sir, the State which I in part represent will yield to no State in the Confederacy in its devotion to the Union. Indiana, the gift of Virginia to the nation, loves the Union for the giver's sake. She hopes yet to see the mother of States and statesmen restored and reconciled to all her children. Although the people of Indiana, at any time before the existence of war by the act of the public enemy, at any time before the Federal flag was fired upon by the traitor-band of South-Carolina at Sumter, would have accepted the Crittenden proposition, the Border State proposition, or any of those propositions, as a settlement of the difficulties between the sections, yet when war came, she waged war; not because she desired it, but because she believed we must have war, or worse; we must either have war or a dissevered nationality; we must have either war or abandon the Government to its enemies. Indiana still follows the flag of the Union. The

bones of her gallant sons, fallen in this great struggle, mingle in the soil of every battle-field from Missouri to the Rappahanock. Indiana now is not for war—she never has been; she is not for peace; she is not for either of these things, except as a means to an end—that end, the restoration of the Union and the unity of the States. If the war is not waged with that purpose, I am for peace to-day. If it is found that that purpose is impracticable or impossible, I am for a cessation of hostilities this moment.

PEACE AND UNION THE END OF THE WAR.

Sir, the people of Indiana have not gone into this contest blindfolded. They surveyed the whole field. They counted the cost. They knew what it would cost to make the effort. They knew it would cost more not to make it. They are not for separation. They are for national integrity at whatever cost, and by whatever means, whether belligerent or pacific, by which that object may be effected. If mediation is to be proposed as a settlement, the people of Indiana will ask why the mediation of New-York, of New-Jersey, of Kentucky, of Illinois; why the mediation of these sovereignties should not be received and accepted, as well as the mediation of France or England, either in regard to the termination of the war or the policy with which it may be conducted. They will ask why was Crittenden rejected as a mediator and any one else preferred? That they will ask, and they will require an answer. As dear as the Union is to Indiana, and as dear as it is to every loyal citizen, it is not of more value than the rights of the States and the people. The same treasure and the same blood that I should be willing to expend in the preservation of the one, I shall spend just as freely in the security and the protection of the other.

THIS MEASURE OUGHT TO ALARM THE STATES.

It is asked, but it has not been answered, what power under the Con-

stitution we have to make this appropriation. The Chief Magistrate of the country, when he introduced the resolution inaugurating this policy, and since, has declared that there is no power under the Constitution by which it can be carried out and effected. He has admitted that it is extra-constitutional, and beyond the powers specified in that instrument. Have we had any change in the Constitution? How could a change have been effected? We do not distinguish between power and authority. Will it be for a moment claimed that the present Chief Magistrate of the Union has any more authority than the one who preceded him, or the one before that? It can not be. He may have more power. How has he achieved that power? By calling into his hand the military force of the country, by largely increasing the army and navy; but it has given him no shadow of authority more than that which was possessed by his predecessors.

This appropriation is asked for under the war power. It is claimed by Senators to be necessary to crush out the rebellion, to vindicate the national law and the national authority in the State of Missouri. This war power is a most singular article. India-rubber has had some reputation heretofore for being elastic; gold and silver for being malleable and ductile; but sir, they must yield to this war power in all those qualities. Why, sir, it

“Lives through all life, extends through all extent,
Spreads undivided, operates unspent.”

WAR POWER A COVER FOR REVOLUTION.

The President is the first great reservoir of this war power. He is Commander-in-Chief of the Army and Navy. Why is he Commander-in-Chief of the Army and Navy? Because he is President, and not for any other reason. I take it to be a settled principle of the Government that the military is always subordinate to the civil power. I take it that the powers of the Commander-in-Chief are subordinate to the powers of the President; and that an act of the Commander-in-Chief against the Consti-

tution and beyond the Constitution can not be justified any more than can an act of the President. The war powers of both Congress and the President are subordinate to civil authority. The President is said to be the grand receptacle of these war powers. The heads of departments have, of course, some of them. Some are claimed for Congress. We are now called upon to exercise our share of these extraordinary powers in the passage of this bill. The Governors of the States have claimed some of these powers. They have been distributed down to a multitude, whom no man can number, of provost-marshal, scattered in every village between the two oceans, except Ceredo and Oberlin, which, being inhabited wholly by white and black Africans, needed no such guardians of loyalty.

It is a most remarkable power—this war power of the Constitution—so much so, that I doubt its existence altogether. It is a myth; it is a fiction; it has no existence. The Chief Executive has laid down what this power is. He says it is the power on his part to do any thing which he may consider necessary to crush the rebellion. That is the only limit to it—his own discretion. Can he lengthen his own term of office? Most certainly he can under the war power, if he should think it necessary to crush the rebellion. Can he increase his pay? Most certainly he can, just as easily as he can issue a proclamation affecting the rights of property in any of the States. There is no limit to the power, and there can be none. I take it, sir, that when you thus place the power in the hands of one man to control the army and navy, and the purse of a great nation, without restriction and without limit, you have erected a military despotism. You call him the President. In France he is called the Emperor; in Austria, the Emperor; in Russia, the Czar. The American Czar will find no serfs west of the Alleghanies. It is not proposed to surrender the most sacred rights which were reserved at the time of the formation of the Constitution to the States and to the

people; there can be no necessity for their destruction.

Why, sir, under this war power you may exercise any authority whatever. It is useless for us to say that an act does not conduce to the crushing of the rebellion; if the Executive *thinks* differently, that is the law. I think that the defeat of this Missouri bill will strengthen the Federal Government, not only in Missouri, but elsewhere. I hope it will be defeated; but if Congress, to whom is deputed a part of this remarkable power, thinks differently, away goes your safeguard on the Treasury, and away go all the restrictions and limits which have been thrown around the rights of property in the several States, and the Constitution, instead of being a living ordinance, becomes only a "quiet dogma of the past."

What will be the effect of this continual interference and intervention by the Federal Government with the rights of the States and the people? What has been its effect already? Do we not read it in the signs of the times? As far as one act, treason, is concerned, the officers and people of certain States have taken up arms against the Federal Government. As far as the other act is concerned, it is proposed not to take up arms, but to interfere and intervene by the power of the purse with the domestic institutions of the States. That power, that inference is no more to be justified than the other. Much has been accomplished by indirection since the commencement of the present policy, which no man could have justified or accomplished directly. We find ourselves now in the prosecution of a war where abolition is coincident with military success, simply by this same method of indirection. Forces have been called out, arms have been placed in their hands ostensibly and avowedly for the purpose of protecting the national Government against the treason of certain States, and after they have been so called out, by this same indirection, the whole force is converted from its original intention, and a crusade is undertaken and waged against the very

rights which the General Government is bound to protect; for, as I said before, I believe that the rights of the States and of the General Government are mutual. The General Government guarantees to the States a republican form of Government. It guarantees the safety and protection of the rights of which I have spoken, and it can not interfere with those rights without abandoning its constitutional limitations, and without a breach of the guarantees which it gave the State at the time of her admission.

Hence there are no circumstances which would induce me to vote for the bill under consideration. I regard it as a violation of the reserved rights of the people of Missouri. I regard it as a violation of constitutional obligations upon our part; and let me say that while we are waging a war for the law, we ought to wage it under the law, and we ought not to violate the law. Without the law there is no transgression. Without law there is no rebellion. And if Congress and the General Government insist upon a breach, a serious infraction of the Constitution in regard to the rights of any of the States, we can not tell how far that breach may go, or can tell what effect it may have upon the whole character of the Government.

I say nothing, sir, now, of that new treason which we have heard whispered in high places, that the army of the Union is to be recalled, that there is to be no further effort to save the *Government*, but that the force is all to be exhausted for the purpose of saving the *Administration*. I say nothing about that except this, as far as the State which I represent is concerned, we are not disposed to abandon the Union; we are not yet disposed to accept separation as a necessity; we are not disposed to accept separation as an alternative rather than recognize the right of the Southern States to a peculiar species of property. No, sir; I charge Senators to avoid this crime against nationality. The people of the North-west, the people of the great central States have recently decided upon these very questions. In those States

there was no contest as to whether the integrity of the Government should be maintained. The question in the late canvass related to whether there should be a change of its form by our own agency. Upon that question the verdict of Indiana, of Illinois, of New-Jersey, and of other States, was rendered. Determining that, while the Government should be supported, while it should receive money, while it should receive men from the States guaranteeing the vindication of the national sovereignty, there should be no interference whatever by the Federal Government with the rights of the States themselves. Let not Senators mistake this as the verdict or as the action of a *party*. As far as the result of the election in Indiana was concerned, it was distinctly the action of the people, not of any party, against every possible discouragement that could be thrown upon that action. Less attention was paid to party organization, less attention was paid to party drill and party instrumentalities, than in any contest we have ever had in the North-west. It was a pure, plain decision upon the question as to whether, for any purposes, the rights of the people should be violated; as to whether, for any purposes, freedom of speech, freedom of the press, freedom of debate and discussion could be trampled under foot by the hand of military power. That was the question raised and decided. Let us heed that warning. Let us retrace our steps. Let us say some fault has been committed. Let us heed the protest which the States have entered. The Federal Government will do well to regard it. The Government is worth more than this Administration; it is worth more than any other. It should work for perpetuity. It should work for all time to the health and safety of the nation, which I pray may exist forever as the fathers formed it.

TRICK OF THE RADICAL PARTY TO DRAW CONSERVATIVES INTO WAR.

At an early stage of the political contest of which I have spoken, great efforts were used to blind the people as to the questions really at issue. The Republican party in my State disbanded its

organization; it claimed to be no party; it claimed to have no issue but a vigorous prosecution of the war; it called itself "Union;" and at a very early stage of the same canvass, a select coterie of negro maniacs, acting under semblance of law, calling themselves a Grand Jury of the United States District Court, affected to present the Democratic party and its organization as disloyal and traitorous to the country. More than that, prominent members and leaders of the party all over the State were arrested, and without cause imprisoned. I myself made a canvass during the last summer under threats, every day, of personal violence, and with my pockets filled with anonymous letters to the same effect. The presses of the party were closed, in some instances; were torn down and destroyed in others. Every effort was made even in that State, always loyal, to suppress a free, clear, plain expression of the people; but the effort failed. The people did speak, and they spoke what I have here said in the Senate.

I know that Senators have disparaged here the discussion of party questions. They have said: "A million men are now in the field, Democrats and Republicans, fighting side by side; with them there is no quarrel; with them there is no difference; why can there not be unanimity and friendship here?" I ask the same question, why? Talk about parties! How do you make parties? How are they created? You can not make them out of conventions and platforms. They are built upon issues. That is the way the present parties are formed and divided. Who are responsible for these issues? The Senators to my right [the Republicans] and their political associates. When the President of the United States issued his proclamation, calling upon the military force of the country to avenge the insult offered to the national flag at Fort Sumter, all men rallied, without distinction of party, to the support of that banner. There was literally no party. And when Congress met here in special session, in the summer immediately succeeding the proclamation, the same unanimity prevailed. Congress then said that this war should

not be prosecuted in the spirit of conquest or subjugation, and it should not interfere with the rights, the dignity, or the institutions of the States. Congress adjourned; it went home and found a united constituency. What has divided us? I will tell you, sir. Do you recollect the victory of Fort Donelson? I know you do. You recollect with what rejoicing every loyal heart received the intelligence of the success of the Union arms. Two days after that victory, a special message was submitted to the American Congress. What was it? Congratulating the people on the return of Tennessee to the Union? Inviting again the States of the South to renew their love and allegiance to the General Government? No, sir. It was confined to the sole object of the "abolishment" of African slavery. Why "abolishment?" Why not say "abolition"? Because then the measure would have been christened at once with the approbrium and contempt it deserved. An obsolete term, a word almost unheard hitherto in the language, must be selected and placed in this message to discriminate its doctrines from the disgraceful heresies of that school of fanaticism, which has so often met defeat with proclamation, and made victory itself almost contemptible. That was the first thing that presented these issues of which Senators complain. Other measures of a similar character rapidly followed, which have made party in this country a virtue and a necessity.

ABOLITION THE SOLE ANIMUS OF THE RADICAL PARTY.

There was an appropriation here at the last session of \$1,000,000 for abolition purposes in the District of Columbia. Who presented it? Who voted for it? Who carried it against the protest of the people? The Senators to my right; those who are complaining about party discussions and party feeling in this hall. When did they do it? When did they propose to squander this vast sum to gratify the fanaticism of a section with which they are connected, and for which they claim all the loyalty? It was when a rebel army

was threatening the possession of the capital itself; when, from the dome of this structure, you might have seen the rebel flag floating—when five hundred thousand men were in arms against this Government. It was at such a time that these men could not forget the flesh-pots of Chicago, but must insist upon party action and party legislation. It is that which has divided a once united people. There is no other cause whatever. If this war had been prosecuted in the spirit in which it was commenced, if it was now prosecuted with an eye single to the purpose of restoring nationality, the people of Indiana, the people of other States would require no draft to certify to a compelled loyalty; they would follow the flag of the Union in myriads more countless than those which followed Peter the Hermit to rescue the sepulcher of Christ from the infidel.

But, sir, it is because you have abandoned the original policy of the war, because you have abandoned the constitutional mode of a reconstruction of the Government, that you have divided the people of the loyal States, and that you have again sowed the seeds of party debate and discussion. I know it is asked at such a time as this will you still continue these wranglings? Let me ask of these Senators, will they postpone these abolition measures which have already dishonored and ruined the country to so great an extent; will they postpone this thing of buying negroes and paying for them out of the public treasury; will they postpone these other enormities; will they postpone this direct infraction upon the rights of the people of Missouri? If they will postpone these things, we will postpone discussion and debate, not otherwise; and I here make the offer, and I know that every person acting politically with me will accede to it, that we bury party; that we forget differences; that we cease discussion and debate, provided they will cease the presentation and urgency of these measures with which they have so often hitherto disgraced the country.

It would, indeed, sir, be a felicitous

thing if we of the loyal States could look back upon the history of a once united people and say there was no blot on our escutcheon; that we had never transcended constitutional limits, never stopped to interfere with the constitutional reservation of the rights of any of the States. That brings me to the most important consideration in the passage of the bill—the one I have already alluded to—the effect of this policy of interference and intervention. From the beginning it has been disastrous. If I had the power to blot out the words most hateful to me in the history of my section, I would erase the words “Harper’s Ferry.” We are never done reading of Federal misfortunes which have clouded Harper’s Ferry; and why? At other places we have seen the backs of the rebels; there we have shown them ours. At other places victory has perched upon our eagles; at Harper’s Ferry we have had nothing but disaster, defeat, and discomfiture. It is the place where first was raised the hand of Northern fanaticism against the reserved rights and sovereignty of a great State of this Union. It is a spot consecrated to eternal shame and infamy; it is the “damned spot that will never out.” Sumter shall equal it in dishonor; but Sumter followed. This may be treason; but it is truth also. If our record of the North was clear, was plain, was unclouded, with what virtue, with what force, with what renewed efficacy we might go before the world and ask its judgment in our favor in regard to the present contest. Do Senators still desire to continue to agitate this most odious doctrine of interference with the sovereignty of the States? Do they still desire to continue to agitate this dangerous and disgraceful element in the political history of the country? If they do, let them vote for the Missouri bill.

But, sir, if Senators desire to return to the constitutional landmarks; if they desire to make this war specially for the Union and for nothing else; if Senators desire to place the merits of this contest wholly and solely upon the question of national integrity, let us defeat this bill;

let us say to Missouri: "If slavery is an incubus and an evil, it is one for which the Federal Government is not responsible; it is one for which the people of Indiana, the people of Virginia, the people of Kentucky, the people of no State in this Union are answerable, except the people of Missouri themselves." For good or for evil they chose this institution. They have recognized, cherished, fostered and supported it; and for one, rejoiced as I would be to hear of its disappearance, I am not willing to lift a finger to tax my people or the national Treasury in aid of any such eleemosynary project. We can find other uses for the public treasure more consonant with the national honor, national unity, and national peace.

Extracts from Webster's Reply to Hayne on the Constitution.

Mr. President, the nature of sovereignty or sovereign power has been extensively discussed by gentlemen on this occasion, as it generally is when the origin of our government is debated. But I confess myself not entirely satisfied with arguments and illustrations drawn from that topic. The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in North-America. Our governments are all limited. In Europe, sovereignty is of feudal origin, and imports no more than the state of the sovereign. It comprises his rights, duties, exemptions, prerogatives, and powers. But with us, all power is with the people. They alone are sovereign; and they erect what governments they please, and confer on them such powers as they please. None of these governments is sovereign, in the European sense of the word, all being restrained by written constitutions. It seems to me, therefore, that we only perplex ourselves when we attempt to explain the relations existing between the general government and the several State governments, according to those ideas of sovereignty which prevail under systems essentially different from our own.

The Constitution of the United States creates direct relations between this government and individuals. This government may punish individuals for treason, and all other crimes in the code, when committed against the United States. It has power, also, to tax individuals, in any mode, and to any extent; and it possesses the further power of demanding from individuals military service. Nothing, certainly, can more clearly distinguish a government from a confederation of States than the possession of these powers. No closer relations can exist between individuals and any government.

On the other hand, the government owes high and solemn duties to every citizen of the country. It is bound to protect him in his most important rights and interests. It makes war for his protection, and no other government in the country can make war. It makes peace for his protection, and no other government can make peace. It maintains armies and navies for his defence and security, and no other government is allowed to maintain them. He goes abroad beneath its flag, and carries over all the earth a national character imparted to him by this government, and which no other government can impart. In whatever relates to war, to peace, to commerce, he knows no other government. All these, sir, are connections as dear and as sacred as can bind individuals to any government on earth. It is not, therefore, a compact between States, but a government proper, operating directly upon individuals, yielding to them protection on the one hand, and demanding from them obedience on the other.

The truth is, Mr. President and no ingenuity of argument, no subtlety of distinction can evade it, that, as to certain purposes, the people of the United States are one people. They are one in making war, and one in making peace; they are one in regulating commerce, and one in laying duties of imposts. The very end and purpose of the Constitution was, to make them one people in these particulars; and it has effect-

ally accomplished its object. All this is apparent on the face of the Constitution itself. I have already said, sir, that to obtain a power of direct legislation over the people, especially in regard to imposts, was always prominent as a reason for getting rid of the Confederation, and forming a new Constitution: Among innumerable proofs of this, before the assembling of the Convention, allow me to refer only to the report of the committee of the old Congress, July, 1785.

The people, sir, in every State, live under two governments. They owe obedience to both. These governments, though distinct, are not adverse. Each has its separate sphere, and its peculiar powers and duties. It is not a contest between two sovereigns for the same power, like the wars of the rival houses in England; nor is it a dispute between a government *de facto* and a government *de jure*. It is the case of a division of powers between two governments, made by the people, to whom both are responsible. Neither can dispense with the duty which individuals owe to the other: neither can call itself master of the other: the people are masters of both. The division of power, it is true, is in a great measure unknown in Europe. It is the peculiar system of America; and, although new and singular, it is not incomprehensible. The State constitutions are established by the people of the States. This Constitution is established by the people of all the States.

Habeas Corpus.

In order to show what great principles of human freedom have been assassinated by this bill, we have only to refer to the well-settled maxims of law. First, it strikes down the writ of *habeas corpus*:

CHIEF-JUSTICE BLACKSTONE SAYS.

"Next to personal security," says Mr. Justice Blackstone, "the law of Eng-

land regards, asserts, and preserves the personal liberty of individuals. This personal liberty consists in the power of locomotion, of changing situation, or moving one's person to whatsoever place one's own inclinations may direct, without imprisonment or restraint, unless by due course of law.

"By the Petition of Right, 3 Car. 1st, it is enacted that no person shall be imprisoned or detained without cause shown, to which he make answer according to law. By Car. 1st, ch. 10, if any person be restrained of his liberty by order or decree of any illegal court, or by the command of the King's Majesty in person, or by warrant of the council-board, or of any of the privy council, he shall upon demand of his counsel have a writ of *habeas corpus* to bring his body before the Court of King's Bench or Common Pleas, who shall determine whether the cause of his commitment be just, and hereupon to do as to justice shall appertain.

"To bereave a man of life, or by violence to confiscate his estate without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole kingdom; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown, or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government. And yet sometimes, when the state is in real danger, even this may be a necessary measure. But the happiness of our own Constitution is, that it is not left to the executive power to determine when the danger of the state is so great as to render this measure expedient; for it is the Parliament only, or legislative power, that, whenever it sees proper, can authorize the Crown, by suspending *habeas corpus* act for a short and limited time, to imprison suspected persons, without giving any reason for so doing."—*Commentaries on the Laws of England*, vol. i. pp. 135-136.